

Town Board Minutes

August 3, 2015

Meeting No. 25

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3rd day of August 2015 at 7:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
DINO FUDOLI, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT
OFFICER
GERALD GILL, CHIEF OF POLICE
MARK LUBERA, PARK CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 8:16 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

At 8:35 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Questions regarding posting of Agenda and Pre-filed Resolutions on Town website.
- Traffic concerns on William Street.

Fronczak, Mike, spoke to the Town Board on the following matters:

- Status of violations at WalMart.
- Bollards at Public Safety Building.

Hangauer, Carmen, spoke to the Town Board on the following matter:

- Comments regarding flight school run out of Buffalo-Lancaster Airport.

Kazmierczak, Tom, spoke to the Town Board on the following matters:

- Comments regarding playground attendants at Keysa Park.
- Comments about the condition of William Street.

Morton, Ted, Erie County Legislator, spoke to the Town Board on the following matters:

- Spoke about the condition of William Street and the cost to make improvements.
- Comments regarding a dog park at Como Park.

Sugg, Russ, spoke to the Town Board on the following matter:

- Thanks the Board for having work session in Board Room.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 Rezone 00 Walden Avenue

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Rezone 00 Walden Avenue matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
David DePaolo, Petitioner	
Executive Vice President Marrano Homes	Proponent
Fronczak, Mike	Opponent
Chowaniec, Lee	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the public hearing was closed at 7:20 P.M.

Decision on this matter was reserved.

August 3, 2015

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 Rezone 6525 & 6529 Broadway

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the public hearing was opened.

At 7:21 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Rezone 6525 & 6529 Broadway matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Sean Hopkins, Esq., Representing Petitioner	Proponent
Margaret Westerling	Opponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 7:34 P.M.

Decision on this matter was reserved.

August 3, 2015

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held July 20, 2015 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 40860 to Claim No. 41041 Inclusive
Total amount hereby authorized to be paid: \$345,601.24

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015
File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
24266		Paul A Casey Jr	709 Pavement Rd	Er. Res. Alt.	
24267		6513 Broadway LLC	6513 Broadway	Er. Sign - Pole	
24268		Russell R Haffa Jr	719 Erie St	Er. Pool-Abv Grnd	
24269		Christopher Chellino	43 Newberry Ln	Er. Fence	
24270		Albert J Rinow Jr	3514 Bowen Rd	Er. Res. Alt.	
24271		Albert J Rinow Jr	3514 Bowen Rd	Er. Garage	
24272		Karen Sinclair	42 Tranquility Trl	Er. Deck	
24273		Constantino & Susan Franco	1268 Penora St	Er. Deck	
24274		Kevin & Tanya Gagliardi	13 Camner Ave	Re-Roof	(V/L)
24275		Gerome McLaughlin	12 Quincy Ave	Er. Deck	(V/L)
24276		David & Shirley Maki	3615 Bowen Rd	Re-Roof	
24277		Lisa Jacuzzo	76 Southpoint Dr	Er. Deck	
24278		Sun Enterprises Inc.	39 Steinfeldt Rd	Er. Shed	
24279		Gregory & Kari Maslak	7 Forestream Dr	Er. Pool-Abv Grnd	
24280		Stephen Evers	23 Fairfield Ave	Er. Fence	(V/L)
24281		Michael & Lori Ann Barry	47 Trentwood Trl N	Re-Roof	
24282		Joan Wagner	100 Erie St	Re-Roof	(V/L)
24283		Steven & Rebecca Spagnolo	59 Heritage Dr	Er. Res. Alt.	
24284		Brad Carroll	64 Fourth Ave	Re-Roof	(V/L)
24285		Pleasant Meadows Assoc LLC	2 Magrum Ln	Er. Dwlg.-Sin.	
24286		Pleasant Meadows Assoc LLC	22 Magrum Ln	Er. Dwlg.-Sin.	
24287		Megan Lumadue	307 Broezel Ave	Er. Fence	
24288		The Vinyl Outlet Inc.	24 Americo Ct	Er. Fence	
24289		Tri-Town Construction Inc	38 Wilkshire Pl	Re-Roof	(V/L)
24290		Isadore & Jacqueline DeMarco	221 Nathan's Trl	Er. Shed	
24291		RJF Development JV	11 Middlebury Ln	Er. Dwlg.-Sin.	
24292		RJF Development JV	44 Middlebury Ln	Er. Dwlg.-Sin.	
24293		Fairway Hills Development	24 Crabapple Ln	Er. Dwlg.-Sin.	
24294		Heather Zoeller	530 Aurora St	Re-Roof	
24295		House Crafters LLC	30 Parkedge Dr	Re-Roof	
24296		David & Linda Smolinski	25 Windcroft Ln	Er. Res. Alt.	
24297		Dawn Gaczewski	182 Central Ave	Er. Sign – Wall	(V/L)
24298		Timothy & Donna Knoerl	27 Michael Anthony Ln	Re-Roof	
24299		Candy Skrobacz	16 Tranquility Trl	Er. Gazebo	
24300		Daniel George	52 Lake Ave	Er. Shed	(V/L)
24301		Henry Baranski	282 Enchanted Forest N	Re-Roof	
24302		Jennifer M Klas	5747 Broadway	Re-Roof	
24303		John & Cynthia Shurmatz	49 Cedar Brook Dr	Er. Shed	
24304		Paul J Haniszewski	887 Ransom Rd	Dem. Bldg	
24305		George Gielow	37 Richmond Ave	Er. Res. Alt.	(V/L)
24306		Adams Farms LLC	5799 Genesee St	Er. Comm. Add./Alt.	
24307		Sahlems Roofing and Siding Inc	142 Schlemmer Rd	Re-Roof	
24308		Stockmohr Co Inc	57 Stream View Ln	Re-Roof	
24309		John J Kaniecki	239 Warner Rd	Er. Deck	
24310		William J Harter	4873 William St	Re-Roof	
24311		Mark & Denise Szymusiak	5671 Broadway	Er. Sign – Temp	
24312		Ryan Braun	3509 Walden Ave	Re-Roof	(V/L)
24313		Philip & Lesley Gregor	14 Arrow Trl	Er. Pool-Abv Grnd	
24314		Besroi Construction	21 Hill Valley Dr	Re-Roof	
24315		Besroi Construction	27 Sussex Ln	Re-Roof	
24316		Precision Pools	82 Heritage Dr	Er. Pool-Abv Grnd	

24317	Schuster Construction LLC	68 Lombardy St	Er. Res. Alt.	(V/L)
24318	Honey Lucciano	12 Burwell Ave	Er. Res. Alt.	(V/L)
24319	Kenneth & Susan Jaskier	18 Sussex Ln	Re-Roof	
24320	Marrano/Marc Equity Corp	8 Magrum Ln	Er. Dwlg.-Sin.	
24321	Pacific Pools & Spas	10 Tranquility Trl	Er. Pool-In Grnd	
24322	Alliance Const of WNY Inc	40 Tranquility Trl	Er. Dwlg.-Sin.	
24323	Alice Wyroba	256 Iroquois Ave	Er. Fence	
24324	Richard & Ruth Powell	266 Iroquois Ave	Er. Fence	
24325	Thomas Blajszczak	71 Lancaster Ave	Er. Fence	(V/L)
24326	Essex Homes of Western NY Inc.	9 Darien Ct	Er. Dwlg.-Sin.	
24327	James K Barwell	5464 Genesee St	Install Tank(s)	
24328	Majestic Pools Inc	7 Sugar Mill Ct	Er. Pool-In Grnd	
24329	Majestic Pools Inc	285 Westwood Rd	Er. Pool-In Grnd	
24330	Majestic Pools Inc	285 Westwood Rd	Er. Fence	
24331	Zenner & Ritter Co Inc	7 Pelham Rd	Inst. Generator	
24332	Superior Decks & Gazebos Inc	28 Gale Dr	Er. Deck	
24333	City Fence Inc	34 Village View	Er. Fence	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated July 14, 2015 has requested the deletion of two members from the roster of said fire association.

**NOW, THEREFORE, BE IT
RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the deletions from the membership of the Twin District Volunteer Fire Company the following individuals:

DELETION:

Matthew Snios
Matthew Thoman

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated July 14, 2015 has requested the addition of one member to the roster of said fire association.

**NOW, THEREFORE, BE IT
RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITION:

Shelby Metzger
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, a Public Hearing was held on July 20, 2015 for the purpose of amending Chapter 46 -Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard,

WHEREAS, a Notice of said Public Hearing was duly published and posted

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

- 1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
- 2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on August 3, 2015;
- 3. That a Certified Copy thereof be published in the Lancaster Bee on August 6, 2015;
- 4. That a Certified Copy of the amendment be posted on the Town Bulletin Board:
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk;
- 6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46
ARTICLE VIII -Stop Intersections; Non-Intersection Stops; Yield intersections**

46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:

Pleasant Meadows Creekside Subdivision

STREET NAME	INTERSECTING STREET	SIGN LOCATION
Magrum Lane	Juniper Boulevard (Northern End)	S.W. Corner
Magrum Lane	Juniper Boulevard (Southern End)	S.W. Corner

August 6, 2015

STATE OF NEW YORK :
COUNTY OF ERIE :
OF LANCASTER :

THIS IS TO CERTIFY that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 3rd day of August 2015 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 3rd day of August, 2015.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Pleasant Meadows Associates, LLC, 2730 Transit Road, West Seneca, New York, 14224 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within the Creekside at Pleasant Meadows Subdivision, Phase II, and

WHEREAS, the Town Engineer has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No.744 of Pleasant Meadows Associates, LLC, 2730 Transit Road, West Seneca, New York 14224, for the installation of:

P.I.P. No. 744 (Street Lights)	The Creekside at Pleasant Meadows Subdivision, Phase II, install five (5) light poles – 50 watt HPS, bulb and eyes.
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be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Nick Cutaia, 1325 Millersport Highway, Williamsville, New York has applied to the Town Board of the Town of Lancaster for a permit for Public Improvement upon real property in the Town of Lancaster within The Fairways at Lancaster Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster, and

WHEREAS, on July 20, 2015, Public Improvement Permit No. 736 was issued for the Water Line and due to a computer program error the number issued should have been No. 743.

NOW, THEREFORE, BE IT

RESOLVED, that the amended Public Improvement Permit Application No. 743 of Nick Cutaia, 1325 Millersport Highway, Williamsville, New York, which is a permit for Public Improvement for the installation of:

P.I.P. No. 743 (Water Line)	The installation of approximately 35 LF of ductile iron pipe at the west end of Anna Drive. Public water extension is proposed to loop the water mains for The Fairways at Lancaster project.
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be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Town of Lancaster’s Park Crew Chief, Mark Lubera, of the Department of Parks, Recreation and Forestry of the Town of Lancaster by letter dated July 24, 2015 has requested the purchase of **one (1) new John Deere 3046R Compact Utility Tractor with loader** for use by the Parks, Recreation and Forestry Department, and

WHEREAS, the utility tractor with loader are available from New York State Bid Contract No. NY PC66663, Piggyback Contract of National Joint Powers Alliance (NJPA) Landscaping and Grounds Related Equipment, Accessories & Supplies, through authorized vehicle dealer Z & M Ag and Turf, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of one (1) new John Deere 3046R Compact Utility Tractor with loader;

NOW, THEREFORE, BE IT RESOLVED, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one (1) new John Deere 3046R Compact Utility Tractor with Loader from the 2015 authorized New York State Dealer Z & M Ag and Turf, 3517 Railroad Avenue, Alexander, New York 14005 under New York State Bid Contract No. NY PC66663, Piggyback Contract of National Joint Powers Alliance (NJPA) Landscaping and Grounds Related Equipment, Accessories & Supplies as proposed by Park Crew Chief, Mark Lubera for an amount not to exceed the state contract price of \$41,936.55; this sum will be paid from the Parks, Recreation and Forestry Department’s May 18, 2015 Vehicle and Equipment Acquisition Bond.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated July 28, 2015, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Miranda Hardy (new hire) Lancaster, NY	Recreation Attendant	\$10.00	July 20, 2015
Joshua Pijacki (new hire) Bowmansville, NY	Recreation Attendant	\$10.00	July 20, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK TO WIT:

WHEREAS, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letter dated July 27, 2015 has requested the purchase of **one (1) new and unused 2015 Caterpillar 938M Loader** for the use of the Highway Department, and

WHEREAS, this loader is available under New York State Bid Contract PC65318 Group #40603 Award No. 22063, from authorized State Vendor Milton Cat, for a cost of \$167,058.00, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Highway Department will receive a trade-in allowance for their 2007 John Deere 624J Loader Serial #DW6247Z604963 (3,650 miles and 830.1 hours) in the amount of \$58,000.00 which will bring the total expenditure for the new loader to \$109,058.00

WHEREAS, the Town Board deems it in the public interest to approve the purchase of the 2015 Caterpillar 938M Loader from Milton Cat ;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of **one (1) new and unused 2015 Caterpillar 938M Loader** from the 2015 authorized state bid vendor Milton Cat, 4610 East Saile Drive, Batavia, New York 14020 under State Bid Contract PC65318 Group #40603 Award No. 22063, as proposed by the Superintendent of Highways of the Town of Lancaster in the sum not to exceed \$109,058.00 which sum shall be paid with funds from the Bond authorized on May 18, 2015 for Highway Equipment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR FUDOLI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated July 30, 2015, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Youth Bureau, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Beth Cumbo (new hire) Lancaster, NY	Tutor	\$15.00 hr.	July 1, 2015
Jennifer Schwertfeger (new hire) Cheektowaga, NY	Tutor	\$15.00 hr.	July 1, 2015
Christopher DeVries (new hire) Depew, NY	Tutor	\$10.00 hr.	July 1, 2015
Lise Harty (new hire) Williamsville, NY	Tutor	\$10.00 hr.	July 1, 2015

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Mark Lubera, Park Crew Chief of the Department of Parks, Recreation and Forestry of the Town of Lancaster by letter dated July 28, 2015 has requested the purchase of one (1) **new 2016 F-550XL Dump Truck** for use by the Parks, Recreation and Forestry Department, and

WHEREAS, the above-referenced dump truck is available from the Onondaga County Department of Purchasing, Bid No. 2015 7974 F-550, Quote #19296, through authorized vehicle dealer Van Bortel Ford, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of a **2016 F-550XL Dump Truck**;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of one (1) **new 2016 F-550XL Dump Truck** from the 2015 authorized Onondaga County Bid Contractor, Van Bortel Ford, 71 Marsh Road, East Rochester, New York 14445 under Onondaga County Bid No. 2015 7974 F-550, Quote #19296, as proposed by the Park Crew Chief of the Town of Lancaster’s Parks, Recreation and Forestry Department in the sum not to exceed the contract price of \$70,658.79 which amount shall be paid for with funds available from the Parks, Recreation and Forestry Department’s May 18, 2015 Vehicle and Equipment Acquisition Bond

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER RUFFINO, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Kevin McFall, 5210 Crittenden Road, Akron, New York
has applied for a Dumping Permit for property situated at 6513 Broadway, within the Town of
Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and
Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed
their review and by letter dated July 29, 2015 made a formal, favorable recommendation to
the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that Kevin McFall, 5210 Crittenden Road, Akron, New
York be and is hereby authorized to dump and dispose of materials outside permitted sanitary
landfills within the Town of Lancaster, namely on premises owned by the applicant at 6513
Broadway, said dumping to be in strict conformance with the application of the petitioner as
filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the
recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Fill area shall be graded and seeded upon completion of filling.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Dust from the site shall also be prevented from migrating off site.
7. Fill shall only be placed in the areas which are indicated on the plot plan.
8. No signage for dumping allowed.
9. The source of fill is various construction sites.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

PREFILED RESOLUTION NO. 14 – MEETING OF AUGUST 3, 2015

14. Ruffino/ _____ Authorize Agreement Lancaster Central School District Re: Joint
Social Work Counselor Program 2015-2016 [Social Work Counselor]

This resolution was withdrawn by Council Member Ruffino for further study.

August 3, 2015

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board has received a rezoning petition from **Jeffrey T. Bochiechio** (the “Applicant”) for the purpose of rezoning property located on Broadway in the Town of Lancaster, New York (SBL # 116.00-1-5.13) (the “Property”); and

WHEREAS, the Applicant has requested that the property be rezoned from Residential District One (R-1) to Multifamily Residential Three (MFR-3); and

WHEREAS, the Town Board referred the rezoning petition to the Planning Board for review and recommendation pursuant to Town of Lancaster Code § 50-42(A)(2); and

WHEREAS, pursuant to Town of Lancaster Code § 50-42(B)(4)(a), the Town Board held a public hearing on the rezoning petition; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.5(c)(37), a denial of a rezoning petition is a Type II action;

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The Applicant’s petition to rezone the Property from R-1 to MFR-3 is DENIED for the reasons stated in the attached written decision, which is incorporated herein by reference.
- 2. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR FUDOLI	VOTED	YES

August 3, 2015

In the Matter of a Petition for Rezoning of Property Located on
Broadway, Lancaster, New York by:

DECISION

Jeffrey T. Bochiechio
350 Main Street
Suite 1400
Buffalo, New York 14202,

Petitioner,

Petitioner Jeffrey T. Bochiechio (“Petitioner”) submitted a rezoning petition to the Town of Lancaster Town Board (the “Town Board”) seeking to rezone property located on Broadway (SBL # 116.00-1-5.13) (the “Property”) from Residential District One (R-1) to Multifamily Residential District Three (MFR-3). The proposed future use of the Property, as described in the petition, is “[t]o develop sixty-four (64) two-bedroom residential condominiums in sixteen (16) four unit buildings.”

The current zoning designation for the Property is R-1. The intent of the R-1 zoning district is “[t]o provide areas within the Town for **low-density** single-family detached residential development”¹

The Town Comprehensive Plan and the Town’s Zoning map designate the majority of the property for lower density residential development. The Comprehensive Plan does note that higher density development is permitted near the villages and in sewer districts, but controlling density and providing adequate buffering between high-density developments is an important component of the Comprehensive Plan and the R-1 zoning fulfills that purpose. With respect to Petitioner’s rezoning request, the Board finds that the Comprehensive Plan and the current Zoning Regulations do not support the rezoning of the Property to MFR-3 and the current R-1 zoning should remain in place. Lower-density residential development here is contemplated by the current zoning, the Comprehensive Plan, and the unique characteristics of this location.²

The proposed rezoning would not be in the public interest, would be detrimental to surrounding land uses, and is not consistent with the Comprehensive Plan.

For the reasons stated herein, Petitioner’s rezoning petition is hereby DENIED in its entirety.

¹ Town of Lancaster Code § 50-10(A).

² It is noted that an R-2 zoning designation may be an appropriate alternative, to balance the goals of the Comprehensive Plan. An R-2 designation would allow somewhat greater density, while lessening the impacts of further increasing density in this area.

COMMUNICATIONS & REPORTS

- 509. Village of Lancaster to Town Board –
Minutes from regular meeting held on June 8, 2015.
Disposition = Received & Filed**
- 510. Village of Lancaster to Town Board –
Minutes from regular meeting held on June 22, 2015.
Disposition = Received & Filed**
- 511. Park Crew Chief to Supervisor and Town Board –
List of individuals for consideration to be appointed to the position of part-time temporary seasonal employee for the summer of 2015 in the Parks, Recreation & Forestry Dept., without benefits, retroactive to June 29, 2015.
Disposition = Resolution 8/3/15**
- 512. Erie County DEP to Town Clerk –
Information regarding System Rain Barrels and Earth Machine Compost Bins.
Disposition = Received & Filed**
- 513. Park Crew Chief to Supervisor and Town Board –
Request for one individual to be appointed to the position of part-time temporary seasonal employee for the summer of 2015 in the Parks, Recreation & Forestry Dept., without benefits, retroactive to July 20, 2015.
Disposition = Resolution 8/3/15**
- 514. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Environmental Conservation regarding rezone petition from NB to GB for construction of Dollar General, 6525 & 6529 Broadway. Disposition = Planning Committee**
- 515. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. Of Public Works regarding rezone petition from NB to MFR-3 for construction of single-family patio homes, 00 Walden Ave. Disposition = Planning Committee**
- 516. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Public Works regarding rezone petition from NB to GB for construction of Dollar General, 6525 & 6529 Broadway. Disposition = Planning Committee**
- 517. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Transportation regarding rezone petition from NB to MFR-3 for construction of single-family patio homes, 00 Walden Ave. Disposition = Planning Committee**
- 518. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Transportation regarding rezone from NB to GB for construction of Dollar General, 6525 & 6529 Broadway.
Disposition = Planning Committee**
- 519. Park Crew Chief to Supervisor and Town Board –
Request for one individual to be appointed to the position of part-time temporary seasonal employee for the summer of 2015 in the Parks, Recreation & Forestry Dept., without benefits, retroactive to June 29, 2015.
Disposition = Resolution 8/3/15**
- 520. Linda Herrmann to Town of Lancaster Assessor –
Notice of retirement from position of Clerk Typist in the Town Assessor's Office effective September 26, 2015. Disposition = Received & Filed**
- 521. Erie County Environmental Management Council to Supervisor –
Press release regarding Household Hazardous Waste Drop-off events which were held on May 14 and June 15, 2015. Disposition = Received & Filed**

522. Town Attorney to Town Board and Planning Board –
SEQR response from NYS Dept. of Environmental Conservation regarding rezone petition from NB to MFR-3 for construction of single-family patio homes, 00 Walden Ave. Disposition = Planning Committee
523. Twin District Volunteer Fire Co. to Town Clerk –
Change in roster. Disposition = Resolution 8/3/15
524. Twin District Volunteer Fire Co. to Town Clerk –
Change in roster. Disposition = Resolution 8/3/15
525. Highway Superintendent to Town Engineer –
Request for drawing to be submitted for approval by the Town Board regarding necessary corrections to be made by the developer for the slope in the sidewalk area approaching the culvert on Juniper Boulevard.
Disposition = Planning Committee
526. Erie County Supervising Accountant Real Property to Town Clerk –
Settlement with Town of Lancaster for 2015 Erie County Property Taxes.
Disposition = Received & Filed
527. Cori Greenwalt to Town Board –
Request for stop sign at the intersection of Juniper Boulevard and Sterling Place.
Disposition = Police Chief
528. Lieutenant Jeffrey Smith to Town Clerk's Office –
No objection to granting a fireworks permit for Fox Valley Country Club for August 1, 2015. Disposition = Received & Filed
529. Town Clerk to Laura Jedlikowski, Fox Valley Country Club –
Transmittal of fireworks permit for Fox Valley Country Club for August 1, 2015.
Disposition = Received & Filed
530. Town Attorney to Supervisor, Town Board, Planning Board, Building Inspector, Town Engineer and Town Clerk –
Notice of SEQR Review Meeting for Rezone: 6525 & 6529 Broadway from NB to GB and Rezone & Sketch Plan: 0 Walden Ave. from NB to MFR-3 on Monday, August 3, 2015 at 6:00PM. Disposition = Planning Committee
531. Park Crew Chief to Supervisor and Town Board –
Request for appointment of two individuals to the position of part-time temporary seasonal employee for the summer 2015 in the Parks, Recreation & Forestry Dept, retroactive to July 20, 2015. Disposition = Resolution 8/3/15
532. Town Clerk to Various News Media –
Notice of SEQR Review Meeting for Rezone: 6525 & 6529 Broadway and Rezone & Sketch Plan - 0 Walden Avenue on Monday, August 3, 2015 at 6:00PM.
Disposition = Planning Committee
533. Highway Superintendent to Town Board –
Request for resolution to purchase one new and unused 2015 Caterpillar 938M Loader. Disposition = Resolution 8/3/15
534. Town Engineer and Supervising Code Enforcement Officer –
Recommend issuance of an extension to the dumping permit for Kevin McFall, 6513 Broadway; conditions noted. Disposition = Resolution 8/3/15
535. Executive Director Youth Bureau to Supervisor and Town Board –
Recommend four individuals for a position in the Youth Bureau's Safe Summer Program effective July 1, 2015 through August 31, 2015.
Disposition = Resolution 8/3/15

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY
COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned in memory
of Assunta “Sue” Marchioli at 8:35 P.M.

Signed _____
Johanna M. Coleman, Town Clerk